

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

LOUIS POLK, JR., et al.,

Plaintiff,

v.

COUNTY OF ALAMEDA, et al.,

Defendant.

Case No.: 13-cv-4790 KAW

ORDER CONTINUING CASE
MANAGEMENT CONFERENCE AND
MEDIATION DEADLINE

The court held a case management conference ("CMC") in the above-captioned case on January 14, 2014. During that CMC, Plaintiff's counsel indicated that Mr. Polk had passed away and that she was in the process of conferring with the remaining Plaintiff, Mr. Polk's daughter, regarding whether she intended to proceed with this case. Plaintiff's counsel also indicated that her email had not been working "for about 3 weeks or something." At the conclusion of the CMC, the court ordered Plaintiff's counsel to notify the court whether her client intended to proceed with this case and scheduled a further CMC for March 18, 2014.

On March 11, 2014, Defendants filed a separate supplementary case management statement, in which defense counsel indicates that Plaintiff's counsel has not responded to several telephone calls, emails, and other correspondence regarding Plaintiff's intent to proceed with this action. (Def.'s CMC Statement at 2, Dkt. No. 20.) Defense counsel also indicates that Plaintiff's counsel did not participate in a phone conference with the appointed mediator and did not respond to his request to meet and confer regarding their joint CMC statement, which was due March 11, 2014. (*Id.*) Defense counsel requests that the court order Plaintiff's client to indicate

1 her intentions about proceeding with this case, or in the alternative, dismiss the case with
2 prejudice. (*Id.*) In addition, defense counsel requests that the court extend the mediation
3 deadline until May 2014 due to scheduling conflicts. (*Id.*)

4 On March 12, 2014, Plaintiff's counsel also filed a separate supplementary CMC
5 statement, in which she indicates that she "has not yet been able to confer with . . . [the]
6 daughter, regarding whether or not she wishes to continue prosecuting this case on her father's
7 behalf or on her own behalf." (Pl.'s CMC Statement at 1, Dkt. No. 21.) Plaintiff's counsel states
8 that she has left several phone messages for her client, but has not yet received a return phone
9 call. (*Id.*) Plaintiff's counsel also adds that she continues to experience issues with her email
10 "due to virus and other problems with [her] Yahoo server." (*Id.*) She explains that due to these
11 issues, she did not receive notice of the scheduled phone conference with the appointed mediator,
12 and also requests, as does defense counsel, that the mediation deadline be extended until May
13 2014 due to scheduling conflicts. (*Id.*)

14 The court hereby orders Plaintiff's counsel to submit, within 30 days, a statement
15 indicating whether the remaining Plaintiff intends to proceed with this action. The mediation
16 deadline is hereby continued to May 30, 2014. The CMC currently set for March 18, 2014 is
17 continued to June 10, 2014. The parties shall file a joint CMC statement, consistent with the
18 Standing Order for All Judges of the Northern District, available at [http://www.cand.uscourts.](http://www.cand.uscourts.gov/kaworders)
19 [gov/kaworders](http://www.cand.uscourts.gov/kaworders), 7 days prior to the CMC. Should the parties require any additional continuances
20 in this case, they shall file a stipulation and proposed order as required by Civil Local Rule 6-
21 1(b).

22 Furthermore, Plaintiff's counsel shall ensure that she is in compliance with Civil Local
23 Rule 5-1(c)(3), which requires attorneys registered on the court's CM/ECF system to keep their
24 email address current. Plaintiff's counsel shall make any necessary arrangements to ensure that
25 she receives her email, so as to avoid missing any future deadlines.

26 IT IS SO ORDERED.

27 DATE: March 14, 2014

28 
KANDIS A. WESTMORE
United States Magistrate Judge